IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

-

W.P.Nos.13633, 13775, 15158, 15458 & 16613 of 2003

AND

C.C.Nos.572, 142, 574, 573 & 571 of 2004.

WRIT PETITION NO : 13633 of 2003

Between:

1 The Executive Engineer (R&B) Division, Miryalguda.
2 Deputy Executive Engineer, R&B Sub Division, Huzurnagar.

..... PETITIONER(S)

AND

1 The Presiding Officer, Labour Court-III, Hyderabad,.
2 Ch. Venkaiah, S/o. Kasaiah, aged about 46 years,
R/o.Miryalguda, Nalgonda District.

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass appropriate Writ, order or direction more particularly one in the nature of Writ of CERTIORARI calling for records pertaining to the Award passed in I.D.No. 36/2000, dt. 08-07-2002 on the file of the Labour Court-III, Hyderabad and published in G.O.Rt.No. 1783, Labour, Employment Training & Factories (LAB) Dept. dated 27-07-2002 and declare the action of the Respondent No. 1 (Labour Court-III) in passing the Award as illegal, improper, arbitrary and quash the same.

WRIT PETITION NO : 13775 of 2003

Between:

1 The Executive Engineer (R & B) Division., Miryalguda.
2 Deputy Executive Engineer, R & B Sub Division., Huzurnagar.

..... PETITIONERS

AND

1 The Presiding Officer, Labour Court-III., Hyderabad,
2 M.Venkataiah s/o Peddaiah`
R/o Miryalaguda., Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to pass appropriate Writ, order or direction more particularly one in the nature of Writ of Certiorari calling for records pertaining to the Award passed in I.D.No.77/2000, dated 08-07-2002 on the file of the Labour Court-III, Hyderabad and published in G.O.Rt.No.1783, Labour, Employment Training & Factories (LAB) Dept., dated 27-07-2002 and declare the action of the Respondent No.1 (Labour Court-III) in passing the Award as illegal, improper, arbitrary and quash the same.

WRIT PETITION NO : 15158 of 2003

Between:

1 The Executive Engineer, (R&B) Division, Miryalguda
2 Dy.Executive Engineer, R&B Sub Division, Huzurnagar

..... PETITIONER(S)

AND

1 Labour Court-III, Hyderabad, represented by its
Presiding Officer.
2 N.Venkateshwarlu s/o. Venkat Narsaiah, aged 35 years,
R/o Miryalguda, Nalgonda District.

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass appropriate writ, order or direction more particularly one in the nature of writ of certiorari calling for records pertaining to the Award passed in I.D.NO.78/2000, dt.8-7-2002 on the file of the Labour court-III, Hyderabad and published in G.O.Rt.No.1783, Labour, Employment Training & Factories (LAB) Dept. dated 27-7-2002 and declare the action of the Respondent NO.1 (Labour Court-III) in passing the Award as illegal, improper arbitrary and quash the same.

WRIT PETITION NO : 15458 of 2003

Between:

1 The Executive Engineer, (R&B) Division, Miryalguda
2 Deputy Executive Engineer, R & B Sub Division, Huzurnagar

..... PETITIONERS

AND

1 The Presiding Officer, Labour Court-III, Hyderabad
2 V. Srinu, S/o. Saidulu, aged about 34 years,
R/o. Miryalguda, Nalgonda District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass appropriate Writ, Order or direction more particularly one in the nature of Writ of Certiorari calling for records pertaining to the Award passed in I.D.No. 75/2000, dated 08-07-2002 on the file of the Labour Court-III, Hyderabad and published in G.O.Rt.No. 1783, Labour, Employment Training & Factories (LAB) Dept, dated 27-7-2002 and declare the action of the respondent No. 1 (Labour Court-III) in passing the Award as illegal, improper, arbitrary and quash the same.

WRIT PETITION NO : 16613 of 2003

Between:

1 The Executive Engineer (R & B) Division, Miryalguda.
2 Deputy Executive Engineer, R & B Sub Division, Huzurnagar.

..... PETITIONERS

AND

1 The Presiding Officer, Labour Court-III, Hyderabad.
2 M. Rosaiah, S/o. Veeraswamy , aged about 32 years,
R/o. Miryalaguda, Nalgonda Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass appropriate Writ, Order or direction more particularly one in the nature of Writ of CERTIORARI calling for records pertaining to the Award passed in I.D.No. 76/2000, dt.08-07-2002 on the file of the Labour Court-III, Hyderabad and published in G.O.Rt.No.1783, Labour, Employment Training & Factories (LAB) Dept. dated 27-07-2002 and declare the action of the Respondent No.1 (Labour Court-III) in passing the Award as illegal, improper, arbitrary and quash the same.

Counsel for the Petitioners in all the writ petitions: GP FOR ROADS & BUILDINGS

Counsel for the Respondent No.1 in all the writ petitions:GP FOR LABOUR

Counsel for the Respondent No.2 in all the writ petitions: Mr.Ravi Mohan

CONTEMPT CASE NO.572 OF 2004

Between:-

Ch. Venkaiah, S/o. Kasaiah, aged about 46 years,
R/o.Miryalguda, Nalgonda District.

..... PETITIONER

AND

1. Sri Tirumala Rao, Executive Engineer (R&B) Division, Miryalguda.

2. Sri Mohd. Hussain, Deputy Executive Engineer, R&B
Sub -Division, Huzurnagar.

.....RESPONDENTS

Petition under Sections 10 and 12 of the Contempt of Courts Act praying that in the circumstances stated in the Affidavit filed herein, the High Court may be pleased to initiate contempt proceedings against the respondents for violation of orders passed by Hon'ble Justice Sri R.Subhash Reddy in W.P.M.P.No.16904 of 2003 in W.P.No.13633 of 2003 dated 11-07-2003 and punish the respondents suitably.

CONTEMPT CASE NO.142 OF 2004

Between:-

M. Venkataiah, S/o. Peddaiah, aged about 40 years,
R/o.Miryalguda, Nalgonda District.

..... PETITIONER

AND

1. Sri Tirumala Rao, Executive Engineer (R&B) Division, Miryalguda.

2. Sri Mohd. Hussain, Deputy Executive Engineer, R&B
Sub -Division, Huzurnagar.

.....RESPONDENTS

Petition under Sections 10 and 12 of the Contempt of Courts Act praying that in the circumstances stated in the Affidavit filed herein, the High Court may be pleased to initiate contempt proceedings against the respondents for violation of orders passed by Hon'ble Justice Sri R.Subhash Reddy in W.P.M.P.No.17080 of 2003 in W.P.No.13775 of 2003 dated 11-07-2003 and punish the respondents suitably.

CONTEMPT CASE NO. 574 of 2004

Between:-

N.Venkateshwarlu, s/o Venkata Narsaiah, aged about 35 years,
R/o.Miryalguda, Nalgonda District.

..... PETITIONER

AND

1. Sri Tirumala Rao, Executive Engineer (R&B) Division, Miryalguda.

2. Sri Mohd. Hussain, Deputy Executive Engineer, R&B
Sub -Division, Huzurnagar.

.....RESPONDENTS

Petition under Sections 10 and 12 of the Contempt of Courts Act praying that in the circumstances stated in the Affidavit filed herein, the High Court may be pleased to initiate contempt proceedings against the respondents for violation of orders passed by Hon'ble Justice Sri R.Subhash Reddy in W.P.M.P.No.18743 of 2003 in W.P.No.15158 of 2003 dated 24-07-2003 and punish the respondents suitably.

CONTEMPT CASE NO.573 OF 2004

Between:-

V.Srinu, S/o. Saidulu, aged about ___years,
R/o.Miryalguda, Nalgonda District.

..... PETITIONER

AND

1. Sri Tirumala Rao, Executive Engineer (R&B) Division, Miryalguda.

2. Sri Mohd. Hussain, Deputy Executive Engineer, R&B
Sub -Division, Huzurnagar.

.....RESPONDENTS

Petition under Sections 10 and 12 of the Contempt of Courts Act praying that in the circumstances stated in the Affidavit filed herein, the High Court may be pleased to initiate contempt proceedings against the respondents for violation of orders passed by Hon'ble Justice Sri R.Subhash Reddy in W.P.M.P.No.19122 of 2003 in W.P.No.15458 of 2003 dated 28-07-2003 and punish the respondents suitably.

CONTEMPT CASE NO. 571 OF 2004

Between:-

M.Rosaiah, S/o. Veera Swamy, aged about 36 years,
R/o.Miryalguda, Nalgonda District.

..... PETITIONER

AND

1. Sri Tirumala Rao, Executive Engineer (R&B) Division, Miryalguda.

2. Sri Mohd. Hussain, Deputy Executive Engineer, R&B
Sub -Division, Huzurnagar.

.....RESPONDENTS

Petition under Sections 10 and 12 of the Contempt of Courts Act praying that in the circumstances stated in the Affidavit filed herein, the High Court may be pleased to initiate contempt proceedings against the respondents for violation of orders passed by Hon'ble Justice Sri R.Subhash Reddy in W.P.M.P.No.20614 of 2003 in W.P.No.16613 of 2003 dated 08-08-2003 and punish the respondents suitably.

Counsel for the petitioners in all the contempt cases: Mr.G.Ravi Mohan

Counsel for the respondents in all the contempt cases: GP for Roads and Buildings.

The Court made the following :

COMMON ORDERS:

All these writ petitions are filed by the Executive Engineer, Roads and Buildings Division, Miryalaguda, Nalgonda District and the Deputy Executive Engineer, Roads and Buildings Sub-division, Huzurnagar, against the common award of the Labour Court-III, Hyderabad on the industrial disputes raised by different workmen.

The Labour Court-III, Hyderabad, by the aforesaid award, partly allowed the applications of the workmen and the oral removal order of the writ petitioners dated 01-12-1999 was set aside and consequently they were directed to reinstate the workmen into service with continuity of service without back wages and attendant benefits, and further directed that the award shall be implemented within one month from the date of its publication. The publication was made by the Government vide G.O.Rt.No.1783, Labour Employment

Training and Factories (LAB.I) Department,
dated 27-07-2002 and the award has to be implemented w.e.f. 27-08-2002. But these writ petitions have been filed by the writ petitioners in July, 2003 and obtained interim stay of the said award subject to payment of the wages under Section 17-B of the Industrial Disputes Act. As the wages payable under Section 17-B of the I.D. Act have not be been paid, as directed by this Court, the workmen i.e, the concerned respondents in the writ petitions filed the contempt cases.

Though it was contended that contempt cases are not maintainable and that the only course open for the workmen is to get the awards to be executed through the Labour Court, this Court having opined that the department is bound to pay the wages under Section 17-B of the Industrial Disputes Act, as the workmen have been deprived of their reinstatement, the contempt cases were admitted and the writ petitioners were directed to be present before this Court.

During the pendency of the contempt cases, the Government issued orders in memo No.16841/Ser.III.1/2003-3, Transport, Roads and Buildings (SER.III.1) Department,
dated 29-07-2004 instructing the Executive Engineer, Roads and Building, Miryalaguda to withdraw all the writ petitions filed against the award passed by the Labour Court in respect of twelve cases pending on the file of this Court. Accordingly, the Executive Engineer addressed letter, dated 31-07-2004 to the learned Government Pleader for Transport, Roads & Buidings requesting him to withdraw the writ petitions filed by him. The Government clearly indicated in the said memo requesting the Engineer-in-Chief, Roads & Buildings to implement the award passed by the Labour Court and send a compliance report in the matter immediately as the Government wanted to implement the award. Therefore, the question of proceeding further in the contempt cases does not arise as the Government came forward to implement the award passed by the Labour Court.

The learned counsel appearing for the writ petitioners submits that the petitioners are entitled for reinstatement immediately after expiry of one month from the date of publication of the award and as the department has not reinstated them, they are entitled for reinstatement into service with retrospective effect and also for payment of back wages. When the Government itself has clearly indicated in their memo directing the Engineer-in-Chief, Roads and Buildings, to implement the award, there is no reason for the said apprehension for the learned counsel appearing for the workmen.

Accordingly, all these writ petitions are dismissed as withdrawn and consequently, the contempt cases are closed. No order as to the costs.

_____

04-08-2004 V.ESWARAIAH

Lrkm/Ars

NOTE:

CC by tomorrow.

(B/0)

Lrkm/Ars.

To

1 The Presiding Officer, Labour Court-III, Hyderabad
2 The Executive Engineer, (R&B) Division, Miryalguda
3 The Deputy Executive Engineer, R & B Sub Division, Huzurnagar

4. 2 CCs to G.P. for Roads and Buildings,High Court of AP Hyderabd (OUT)

5. 2 CD copies